**S.B. CIVIL WRIT PETITION NO.71/2003**

**RADHEY SHYAM & ANR**

**VS.**

**STATE OF RAJASTHAN & ORS.**

**DATE OF ORDER: 3.3.2005**

**HON'BLE MR. PRAKASH TATIA,J.**

Mr. H.S.Sandhu, for the petitioners.
Mrs.R.R. Kanwar, Dy.GA, for the respondents.

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Heard learned counsel for the parties.

The two petitioners are aggrieved against the order dated 3.10.2002 passed by the District Collector, Sri Ganganagar by which the licenses of deed writer and stamp vendor granted to the petitioners under Rajasthan Registration (Licensing of Documents Writer) Rules, 1956 and under the Rajasthan Stamp Rules, 1955 granted to the petitioners, were cancelled.

According to petitioner Radhey Shyam, he was granted the licence under the Rules of 1956 whereas petitioner Smt.Surendra Kaur was granted licence under the Rules of 1955. Both the petitioners are

governing by different rules, but looking to the allegations, a joint enquiry was conducted, copy of which is placed on record by the petitioner as Annex.4. When the petitioners were found guilty, their licenses were cancelled by the impugned order dated 3.10.2002.

According to learned counsel for the petitioner, under the Rules of 1956, the licence can be cancelled only under rule 11 and that too, only when any breach is committed by the licensee, reference of which is given in sub-rule (1) of Rule 11. According to learned counsel for the petitioner, the petitioner Radhey Shyam has not committed any wrong, which can fall in any of the category of sub-rule (1) of Rule 11.

In the case of petitioner Smt. Surendra Kaur, the licence has been revoked by the District Collector, Sri Ganganagar whereas Smt. Surendra Kaur was granted licence by the DIG-cum-Collector, Hanumangarh, which is apparent from the Annex.2. Therefore, the District Collector, Sri Ganganagar had no jurisdiction to pass the impugned order.

I considered the submissions of learned counsel for the parties. It is clear from the allegations, which are found to be proved against the petitioners that both behaved absolutely unruly and took the law in their own hand and that finding has been recorded by the enquiry officer. The finding of fact is not under challenge in the writ petition.

The action of initiation of the enquiry by the District Collector, Sri Ganganagar is also not under challenge and no objection about the jurisdiction was ever raised before the enquiry officer or before the learned Collector, who passed the order. The finding recorded in the domestic enquiry is limited to the extent of taking acting departmentally and may not have any material bearing in the criminal proceedings.

The respondents submitted reply and pointed out that even the FIR under Sections 353, 332/34 IPC has been registered and after investigation, challan was filed against both the petitioners in the court of Chief Judicial Magistrate, Sri Gananagar.

In view of the above facts, the petitioners were rightly found guilty under sub-clause (h) of sub-rule 91) of Rule 11 of the Rules of 1956 and their licenses were rightly cancelled by the concerned authority.

Apart from it, it may be observed that the writ jurisdiction is not available to those persons, who are obtaining the licence under the above rules, misbehaved in Government Office and, therefore, also, this court is not inclined to entertain the writ petition filed by the petitioners.

In view of the above,the writ petition of the petitioners is dismissed.

**(PRAKASH TATIA), J.**

c.p.goyal/-